(b) after the proviso, the following proviso shall be inserted, namely :—

"Provided further that in relation to the declared excisable goods, for clause (ii) of the first proviso, the following clause shall be substituted, namely :—

"(ii) the assessee gives information of the re-entry of each consignment of such excisable goods into the factory to the proper officer in writing in the proper from within twenty-four hours of such re-entry ;".

13. - In sub-rule (1) of rule 173-M of the said rules—(a) in clause (ii) of the proviso, after the words, "within twenty-four hours of such re-entry" the words "to enable the proper officer to verify the particulars of such goods within forty-eight hours of receipt of the information" shall be inserted ; and (b) after the proviso, the following proviso shall be inserted, namely :—

"Provided further that in relation to the declared excisable goods, for clause (ii) of the first proviso, the following claus shall be substituted, namely :—

"(ii) the assessee gives information of the re-entry of each consignment of such excisable goods into the factory to the proper officer in writing in the proper form within twenty-four hours of such re-entry ;".

14. In the said rules, to sub-rule (2) of rule 185 as substituted by rule 173-O, the following proviso shall be added, namely :—

"Provided that the payment of the appropriate charges determined by the Collector shall only be required in cases where the examination of goods is to be carried out before ten O'Clock in the forenaon, or after six O'Clock in the after-noon.

(No. 10/78-CE)

[No. 10/78-C.E.-F. No. 318/1/76-CX. 10/SRP.]

N. C. JAIN,
Under Secretary

Notification No. LAW 28 LCA 78
Bangalore, dated 9th June 1978.

Ordered that the Banking Service Commission (Repeal) Act, 1978 (No. 20 of 1978) published in Part II, Section 1 of the Gazette of India, *Extraordinary* dated 18th May, 1978 be republished in the *Karnataka Gazette* for general information.

By Order and in the name of the Governor of Karnataka

A. NEELAKANTARYA,
Under Secretary to Government.
Dept. of Law and Parliamentary Affairs.

Assented to on 18th May 1978 *Act No. 20 of 1978.*

THE BANKING SERVICE COMMISSION (REPEAL) ACT 1978

AN

ACT

to repeal the Banking Service Commission Act, 1975.

BE it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows :—

1 **Short title and commencement** :—(1) This Act may be called the Banking Service Commission (Repeal) Act, 1978.

(2) It shall be deemed to have come into force on the 19th day of September, 1977.

2. **Definitions**.—In this Act, unless the context otherwise requires,—

(a) "appointed day" means the 19th day of September, 1977 ;

(b) "Banking Service Commission" means the Banking Service Commission established under section 3 of the Banking Service Commission Act, 1975 (42 of 1975).

3. **Repeal of Act 42 of 1975 and the dissolution of the Banking Service Commission.**—On the appointed day the Banking Service Commission Act, 1975, shall stand repealed and the Banking Service Commission shall stand dissolved.

4 **Consequential provisions.**—On the dissolution of the Banking Service Commission,—

(a) (i) the person appointed as the Chairman of the Banking Service Commission ; and

(ii) every other person appointed by the Banking Service Commission,

and holding office as such immediately before the appointed day shall vacate their respective offices and no such Chairman or other person shall be entitled to claim any compensation for the premature termination of the term of his office or of any contract of service ;

(b) any proceeding of whatever nature pending before the Banking Service Commission immediately before the appointed day shall stand terminated ;

(c) the balance of all monies (including any fee) received by, or advanced to, the Banking Service Commission and not spent by it before the appointed day shall on the appointed day, stand transferred to, and shall vest in, the Central Government and shall be utilised for the purposes of clauses (e) and (f) ;

(d) all property of whatever kind owned by, or vested in, the Banking Service Commission immediately before the appointed day,

shall, on the appointed day, stand transferred to, and shall vest in, the Central Government ;

(e) all liabilities and obligations of whatever kind incurred by the Banking Service Commission and subsisting immediately before the appointed day shall. on and from the appointed day, be deemed to be the liabilities or obligations, as the case may be, of the Central Government; and any proceeding or cause of action, pending or existing immediately before the appointed day by or against the Banking Service Commission in relation to such liability or obligation may, as from the appointed day, be continued or enforced by or against the Central Government.

Explanation.—For the purposes of this clause, "liability" does not include any liability for any money advanced to the Banking Service Commission under sub-section (3) of section 19 of the Banking Service Commission Act, 1975 (42 of 1975).

(f) all monies vested in the Central Government under clause (c) shall, after deducting the amount incurred for discharging the liabilities and obligations under clause (e), be refunded by the Central Government to each public sector bank as defined in clause (h) of section 2 of the Banking Service Commission Act, 1975, (42 of 1975), in proportion to the amount advanced by such public sector bank to the Banking Service Commission under sub-section (3) of Section 19 of that Act.

5. **Savings.**—(1) Anything done or any action taken under the Banking Service Commission (Repeal) Ordinance, 1977, (10 of 1977) which ceased to operate, shall be deemed to have been done or taken under the corresponding provisions of this Act.

(2) Nothing in this Act shall be deemed to affect the right of the Chairman of the Banking Service Commission or of any other person appointed by the said Commission to receive salary, allowances or other benefits, in accordance with the terms and conditions of service applicable to him, for the period from the date of cesser of operation of the said Ordinance till the date on which this Act receives the assent of the President (both days inclusive).

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3. **Amendment of section 20.**—In section 20 of the Coking Coal Act, for sub-section (2), the following sub-sections shall be substituted, namely :—

"(2) The Central Government may appoint such other persons as it may think fit to assist the Commissioner and thereupon the Commissioner may authorise one or more of such persons to also exercise all or any of the powers exerciable by him under this Act, and different persons may be authorised to exercise different powers.

(2A) Any person authorised by the Commissioner to exercise any powers may exercise those powers in the same manner and with the same effect as if they have been conferred on that person directly by this Act and not by way of authorisation.".

4. **Insertion of new section 22A.**—After section 22 of the Coking Coal Act, the following section shall be inserted, namely:—

"22A. **Validation of certain collections.**—(1) Notwithstanding anything contained in section3, as amended by section 2 of the Coal Mines Nationalisation Laws (Amndment) Act, 1978, any money collected by the Central Government or the Government company during the period commencing on the appointed day and ending with the date specified under sub-section (3) of section 22 shall be deemed to have been validly collected by the Central Government or the Government company, as the case may be, and any such money shall applied in accordance with the provisions of section 22.

(2) Any money collected as aforesaid shall not be called in question in any court of law.".

5. **Amendment of section 23.**—In section 23 of the Coking Coal Act,—

(a) in sub-section (1A)

(i) after the words and figures "the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948."; (46 of 1948) the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972. namely :—

"and claims in relation to any other matter may be filed on behalf of all or any of the persons so employed or any group of such persons by any Trade Union, registered under the Trade Unions Act, 1926, (16 of 1926) or where no such claim has been filed by any Trade Union, by the Chief Labour Commissioner (Central) appointed by the Central Government or any officer subordinate to him;";

(ii) in the proviso, after the words "the Coal Mines Provident Fund Commissioner", the following shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of May, 1972, namely :—

"or the Trade Union or the Chief Labour Commissioner (Central) or any officer subordinate to him,";

(b) after sub-section (1A), the following sub-section shall be inserted, and shall be deemed to have been inserted with effect from the 1st day of November, 1973, namely :—

"(1AA) Where any claim, not being a claim which was time-barred on the 17th day of October, 1971, was preferred under sub-section (1) within the period spefied therefor and was rejected merely on the ground that such claim was time-barred, such claim shall be deemed not to have been rejected and the Commissioner shall restore on his file such claim and shall deal with it in the manner specified in this section.";

(c) after sub-section (9), the following sub-section shall be inserted, namely :—

"(9A) The Commissioner may, on receipt of a claim,—

(a) elect to settle the claim himself; or

(b) transfer the claim for settlement to a person authorised in this behalf under sub-section (2) of section 20; or

(c) withdraw the claim from the person referred to in clause (b) and either settle the claim himself or transfer it for disposal to any other person who has been authorised in this behalf under sub-section (2) of section 20.";

(d) in sub-section (10),

(i) for the words "A claimant who is dissatisfied with the decision of the Commissioner may prefer an appeal against the decision,", the words "A claimant or owner who is dissatisfied with the decision of the Commissioner may prefer an appeal, within a period of sixty days from the date of the decision," shall be substituted;

(ii) after the proviso, the following further proviso shall be inserted, namely :—

"Provided further that any appeal which has not been preferred before the date on which the Coal Mines Nationalisation Laws (Amendment) Act, 1978, receives the assent of the President, shall be preferred within a period of sixty days from such date.".

6. **Insertion of new section 23A.**—After section 23 of the Coking Coal Act, the following section shall be inserted, namely :—

"23A. **Application of sections 5 and 12 of the Limitation Act.**—The provisions of sections 5 and 12 of the Limitation Act, 1963, (36 of 1963) shall, so for as may be, apply to appeals under section 23.".

7. **Insertion of new section 24A.**—After section 24 of the Coking Coal Act, the following section shall be inserted, and shall